

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12

In re application of:

JAMES MARTUCCI et al.

Serial No.: 10/043,891

Filed: January 11, 2002

For: MEDICATION DELIVERY  
SYSTEM

Art Unit: 3763

Examiner: Roz Ghafoorian

Confirmation No. 6265

Transmittal of Third Supplemental Information Disclosure Statement**Mail Stop 313(c)**

Commissioner for Patents

Box 1450

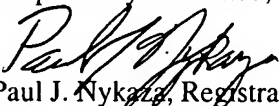
Alexandria, VA 22313-1450

Dear Sir:

The Applicants submit herewith form PTO-1449, "Third Supplemental Information Disclosure Statement" and a copy of each reference listed herein. The Applicants' attorneys note that these references were mistakenly believed to have already been disclosed in previously-filed Information Disclosure Statements. A subsequent review of the file after payment of the issue fee revealed that the references were not disclosed. This inadvertent oversight has necessitated the concurrent filing of a Petition to Withdraw from Issue, a Request for Continued Examination and this Supplemental Information Disclosure Statement.

Since this Statement is being filed prior to the mailing of a first office action on the merits after the filing of a Request for Continued Examination under 37 C.F.R. §1.114, no fee is necessary. (37 C.F.R. §1.97(b)(4)). You are, however, authorized to charge any additional fees associated with this Communication or credit any overpayment to our Deposit Account No. 23-0280.

Respectfully submitted,

  
Paul J. Nykaza, Registration No. 38,984  
William J. Lenz, Registration No. 44,208  
WALLENSTEIN WAGNER & ROCKEY, LTD.  
311 S. Wacker Drive, 53<sup>rd</sup> Floor  
Chicago, Illinois 60606-6630

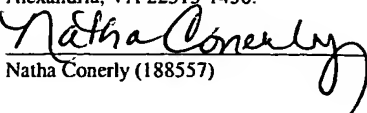
Date: December 4, 2003

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

Express Mail Label No. EL 999600400 US and EL 999600435 US

Date of Deposit: December 4, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, postage prepaid, under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop 313(c), Commissioner for Patents, Alexandria, VA 22313-1450.

  
Natha Conerly (188557)**RECEIVED**

DEC 03 2003

**OFFICE OF PETITIONS**